

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ROSE MARY SULLIVAN

PLAINTIFF

vs.

CIVIL ACTION NO. 3:05-cv-00559-HTW-JCS

**EQUITY NATIONAL LIFE INSURANCE
COMPANY AND ABC**

DEFENDANTS

**AGREED ORDER LIMITING AMOUNT IN
CONTROVERSY AND REMANDING ACTION**

THIS MATTER having come before the Court upon the removal of this matter from the Circuit Court of Smith County, Mississippi by Defendant Equity National Life Insurance Company, now known as Life Investors Insurance Company of America (“Life Investors”); and the Plaintiff Rose Mary Sullivan (“Plaintiff”) having since stipulated and agreed to seek an amount in controversy of less than the jurisdictional minimum of this Court under 28 U.S.C. § 1332(a); and the Court having reviewed and considered the Joint Stipulation of the Parties Limiting the Amount in Controversy and Agreeing to Remand, and being otherwise advised in the premises, it is hereby ORDERED AND ADJUDGED as follows:

1. The recoverable damages that the Plaintiff may recover, if any, for claims that Plaintiff asserts or may in the future assert, individually and in the aggregate, against Life Investors, including but not limited to any and all claims made or that could be made

arising out of or in any way related to policies of insurance issued by Life Investors to the Plaintiff, shall not exceed the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive only of interest and costs.

2. The Court accepts the Plaintiff's irrevocable stipulation that she shall not demand nor accept any award of damages (including compensatory damages, punitive damages, attorneys' fees, or any other form of damages or monetary award), for herself individually or in the aggregate, in an amount that exceeds \$75,000.00, and the Court orders that, should Plaintiff hereafter be awarded any amount that exceeds \$75,000.00, Plaintiff shall remit and return to Life Investors that portion of any such award that exceeds \$75,000.00.

3. Plaintiff shall not at any time amend or move for leave to amend her pleadings to seek or demand damages or other relief in excess of \$75,000.00, exclusive of interest and costs. Plaintiff will not at any time argue that she is entitled to damages or any other relief (including attorneys' fees) in excess of \$75,000.00, exclusive of interest and costs; nor will she offer evidence to that effect, or seek a jury award in excess of \$75,000.00, exclusive of interest and costs; nor will she request entry of a judgment in excess of \$75,000.00, exclusive of interest and costs.

4. This Order reflects the joint stipulation of the parties and shall be binding upon the Plaintiff and her heirs, successors, assigns, and any other persons seeking to claim under or on behalf of the Plaintiff. This Court retains jurisdiction to enforce the

terms of this Order, and to the extent this Order is hereafter violated, the parties acknowledge that the amount in controversy will exceed the sum or value of \$75,000.00, exclusive of interest and costs.

5. In light of the joint stipulation of the parties, this case is hereby remanded to the Circuit Court of Smith County for further proceedings consistent with the terms of this Order.

SO ORDERED AND ADJUDGED, this the 9th day of December, 2005.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

Civil No. 3:05-cv-559 WS

SUBMITTED AND AGREED BY:

s/John R. Tullos

JOHN R. TULLOS, ESQ.
Attorney for Plaintiff Rose Mary Sullivan

s/Markham R. Leventhal

MARKHAM R. LEVENTHAL, ESQ.
Attorney for Defendant Life Investors Insurance
Company of America (f/k/a Equity National Life
Insurance Company)

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